

Tennessee Department of Mental Health and Substance Abuse Services

Transfer from FSP to RMHI

1. PURPOSE:

To provide guidelines for the forensic staff in the Office of Forensic Services for the transfer of a service recipient from the Forensic Services Program (FSP) at Middle Tennessee Mental Health Institute (MTMHI) to a regional mental health institute (RMHI).

2. POLICY:

The Commissioner may authorize the transfer of any service recipient who was admitted, committed, or hospitalized at the Forensic Services Program (FSP) at MTMHI to an RMHI when:

- A. The person could more properly be cared for and treated in a non-secure facility, *and*,
- B. The transfer is in the service recipient's best interest, *and*,
- C. The transfer will not be contrary to the safety and welfare of the service recipient, other service recipients or the staff of the receiving facility, *and*,
- D. The service recipient no longer requires treatment in a secure facility.

3. SCOPE:

This policy applies to the Tennessee Department of Mental Health and Substance Abuse Services (TDMHSAS), and to the Regional Mental Health Institutes (RMHI), including the Forensics Services Program (FSP).

4. PROCEDURE:

A. FSP Responsibilities:

(1). Upon recommendation by the treatment team, the FSP Forensic Coordinator must forward the following reports to the Chief Officer/Designee of MTMHI:

- (a) A certified copy of the court commitment order,
- (b) A copy of the most recent staff conference report,
- (c) A copy of the most recent physical examination (completed within the last six (6) months and updated within the past twenty-four hours),
- (d) A copy of the most recent risk assessment (if forensic),
- (e) A report of mental assessment and evaluation for transfer (if not included in the staff conference report), and
- (f) A copy of the notifications provided to the court, to the service recipient (Attachment I), to the service recipient's nearest relative/conservator as applicable regarding the request for transfer.

(2). It is the responsibility of the Chief Officer to review and approve the transfer request within 72 hours of receipt and then provide a signed cover letter that includes the following:

- (a) Documentation of specific reasons for transfer and the service recipient's past and present behavior,
- (b) Statement (certification) that the transfer is in the best interest of the service recipient, and
- (c) Statement (certification) that the transfer will not be contrary to the safety and welfare of the service recipient or other service recipients and staff of the receiving facility.

(3).(a) The signed cover letter, along with the required documents listed above (4.A.(1).(a)(e)) will be forwarded by the forensic coordinator of FSP to the Commissioner of TDMH via the designated forensic specialist in the Office of Forensic Services within twenty-four (24) hours of receipt from the chief officer.

- (b) A copy of "Receipt of Transfer Notification" (Attachment I) will also be included with these documents.

(4). The Chief Officer/Designee of MTMHI shall send a referral letter to the Chief Officer of the receiving facility along with a copy of the documents listed above (4.A.(1).(a)-(e)) and a copy of the service recipient's record at the time the transfer request is made to the TDMH. The receiving Chief Officer has fifteen (15) days after this notice to challenge the transfer to the Commissioner. This must be done in writing and contain the justification for the challenge and an alternative RMHI transfer destination for the service recipient. A physician-to-physician teleconference may be conducted as a part of this review process.

B. Office of Forensic Services:

(1). Upon receipt of the transfer documents, the assigned forensic specialist for MTMHI will:

- (a) Review these documents sent by the Chief Officer/Designee of MTMHI;
- (b) Arrange an interview to be conducted by the forensic specialist and the Director of Forensic/Juvenile Court Services with the service recipient within 48 hours of receipt of the transfer request;
- (c) Interview the staff members involved in the service recipient's treatment;
- (d) Review the clinical chart at FSP.

(2). Following this review, the forensic specialist must prepare a summary report to the Director of Forensic/Juvenile Court Services within three (3) business days that summarizes the clinical and legal information specific to the service recipient, and includes the following:

- (a) Statement that the transfer is/is not in the best interest of the service recipient, *and*,
- (b) Statement that the transfer would/would not be contrary to the safety and well-being of other service recipients and staff, *and*
- (c) A description of the service recipient's current behavior, *and*
- (d) A recommendation for or against transfer with the rationale for this recommendation

(3). Upon completion of the above report (B.(1).(a)-(d)), the Director of Forensic/Juvenile Court Services will review the report and may either concur or not concur with the chief officer's request for transfer.

- (a). If the Director concurs, he/she will complete a recommendation memo to the Assistant Commissioner of Planning, Research and Forensics (Attachment A) concurring with the chief officer's request for transfer.
- (b). If the Director does not concur with the transfer request, he/she will consult with the Director of the Forensic Unit to identify barriers to transfer, develop a plan to eliminate barriers to transfer, and establish a time frame for reviewing progress. The Director will notify the Chief Officers of MTMHI and the receiving facility and the Assistant Commissioner of Planning, Research and Forensics of the decision and the recommended plan.
- (c). Once the barriers to transfer have been eliminated, the Director of the Forensic Unit will submit an updated report to the Director of Forensic/Juvenile Court Services, and the Director of Forensic/Juvenile Court Services will complete a recommendation memo to the Assistant Commissioner of Planning, Research and Forensics (Attachment A) supporting the transfer request.

C. Assistant Commissioner of Planning, Research and Forensics

(1). The Assistant Commissioner will review the recommendation supporting the transfer request from the Director of Forensic/Juvenile Court Services upon receipt. If the Assistant Commissioner concurs with a request for transfer which the Director has supported, the Assistant Commissioner will complete a recommendation memo prepared by the Forensic Specialist addressed to the Commissioner of the TDMHSAS supporting the transfer request (Attachment B).

(2). If the Assistant Commissioner does not concur with a request for transfer which the Director has recommended, the Director of Forensic/Juvenile Court Services will consult with the Director of the FSP to identify barriers to transfer, develop a plan to eliminate barriers to transfer and establish a time frame for reviewing progress.

(3). Once the barriers to transfer have been eliminated, the Director of the FSP will submit an updated report to the Director of Forensic/Juvenile Court Services, and the Director of Forensic/Juvenile Court Services will submit the

updated request to the Assistant Commissioner for review. If the Assistant Commissioner does not approve the updated request, consultation and planning as described under C.(2)., above, will continue until the Assistant Commissioner approves an updated request. If the Assistant Commissioner concurs with the request, then he/she will complete a recommendation memo prepared by the Forensic Specialist addressed to the Commissioner of the TDMHSAS supporting the transfer request (Attachment B).

D. Commissioner

(1). Once the Director of Forensic/Juvenile Court Services and the Assistant Commissioner of Planning, Research and Forensics concur with the transfer request, the Forensic Specialist will prepare:

- (a) A letter from the Commissioner of TDMHSAS to the Chief Officer of MTMHI via Director of FSP approving the transfer request (Attachment C).
- (b) A letter from the Commissioner of TDMHSAS to the Chief Officer of the receiving facility. This letter must indicate that the transfer is to occur within 30 days from the date of the approval. (Attachment D).
- (c) Three (3) authorization forms (Attachment E), each with original signatures, to be signed by the Director of Forensic/Juvenile Court Services, the Assistant Commissioner of Planning, Research and Forensics, and the Commissioner of TDMHSAS. (These forms are also attachments to memos to the referring facility, the receiving facility, and for files of TDMHSAS).
- (d) A letter from the Commissioner of TDMHSAS to the service recipient at FSP at MTMHI with a complaint form. (Attachments F and G). These may also be sent with the letter to the referring facility. (Attachment C).
- (e) A letter from the Commissioner of TDMHSAS to the nearest relative/conservator of the service recipient with a complaint form. (Attachments G and H)
- (f) A completed cover sheet (Attachment 1)

(2). The transfer request and above materials will be submitted to the Commissioner for review. If the Commissioner concurs with the transfer request, he/she will complete the above notifications which will be distributed to the appropriate parties by the Forensic Specialist.

(3). If the Commissioner does not concur with the transfer request, the Director of Forensic/Juvenile Court Services will consult with the Director of the FSP to identify barriers to transfer, develop a plan to eliminate barriers to transfer and establish a time frame for reviewing progress.

(4). Once the barriers to transfer have been eliminated, the Director of the FSP will submit an updated report to the Director of Forensic/Juvenile Court

Services, and the Director of Forensic/Juvenile Court Services will submit the updated request to the Commissioner for review. If the Commissioner does not approve the updated request, consultation and planning as described under D.(3)., above, will continue until the Commissioner approves an updated request.

(5). Once the Commissioner approves a transfer request, he/she will complete the notifications prepared by the Forensic Specialist, and the Forensic Specialist will distribute them to the appropriate parties.

E. Completing Approved Transfer

(1). The Director of the FSP at MTMHI must schedule a conference call (either by phone or videoconference) to occur between the referring and receiving physician to discuss medical conditions, the rationale for diagnoses, and prescribed medication(s) prior to the transfer of the service recipient. This conference must be documented in the service recipient's medical record.

(2). The transfer must occur within 30 days of the receipt of the letter from the Commissioner to the Chief Officer of the receiving RMHI, with the Director of FSP having the responsibility of arranging the transportation of the service recipient to the receiving facility.

(3). The Chief Officer of MTMHI shall notify the committing court of the date for transfer (Attachment J).